

**REMARKS**

Claims 1-10 and 15-27 are pending in this application. Claims 1, 2, 5, 22-23 and 25-26 have been amended and claim 29 has been added by the present Amendment. Amended claims 1, 2, 5, 22-23 and 25-26 and new claim 29 do not introduce any new subject matter.

**REJECTIONS UNDER 35 U.S.C. § 103(a)**

Reconsideration is respectfully requested of the rejection of claims 1-9, 15-18 and 25-27 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,380,978 ("Adams") in view of U.S. Patent No. 5,610,822 ("Murphy"), and further in view of U.S. Patent No. 6,301,637 ("Boyden"). Reconsideration is also respectfully requested of the rejection of claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Adams in view of Murphy, and further in view of Boyden, as in claim 1, and further in view of U.S. Patent No. 6,134,223 ("Burke"), and of the rejection of claims 20-24 under 35 U.S.C. § 103(a) as being unpatentable over Adams in view of Murphy, and further in view of Boyden, as in claim 1, and further in view of U.S. Patent No. 5,793,413 ("Hylton").

The Examiner maintains that Adams and Murphy "do not teach the display [and] the headphones with left and right audio channels", and that Boyden "teaches how to achieve an audio system that has left and right audio channels with different frequency signals in the audio system". January 28, 2004 Office Action at 3-4. Applicants agree with the Examiner that Adams and Murphy fail to teach left and right audio channels.

However, Applicants respectfully submit that, although Boyden discloses an audio system using left and right audio signals, Boyden, when taken alone or further in

view of Burke or Hylton, does not render obvious the embodiments of the invention as recited in independent claims 1, 25 and 26, as amended, and new claim 29.

**Claim 1 And The Claims Dependent Thereon  
Are Patentable Over The Cited References**

Claim 1 has been amended to recite a wireless transmitter for transmitting audio signals from at least two sources, wherein a first audio program is separated into a first left channel and a first right channel, and a second audio program is separated into a second left channel and a second right channel. Each of the channels has a different frequency and is simultaneously transmitted to each wireless headphone set.

The wireless transmitter as recited in amended claim 1 is capable of simultaneously transmitting multiple audio programs to each wireless headphone set. More specifically, each audio program is separated into a left channel and a right channel and the left and right channel of each audio program is simultaneously transmitted to each headphone set. For example, left and right channels of a first audio program and left and right channels of a second audio program are simultaneously transmitted to each wireless headphone set. In addition, in order to avoid interference between a headphone user listening to the first audio program and a headphone user listening to the second audio program, the left and right channels of the first audio program are different than the left and right channels of the second audio program.

**Boyden teaches away from the embodiment of claim 1**

Unlike the embodiment of the present invention defined in amended claim 1, Boyden fails to address the use of a single wireless transmitter that is capable of transmitting multiple audio programs which are separated into left and right audio channels. See specification at page 19, lines 1-17. Indeed, Boyden teaches away from

such a configuration by disclosing transmission of left and right frequency signals of just one program using two transmitters. In Boyden, a first transmitter is used to transmit signals to the right module and a second transmitter is used to transmit signals to the left module. See Boyden, col. 9, lines 25-35 ("two independent (different frequency) signals . . . each with an independent transmitter"). Furthermore, Boyden does not contemplate transmission of more than one program to multiple headsets.

Therefore, the embodiment as recited in claim 1 represents an improvement over Boyden in that less components (i.e., a single transmitter) can be used to transmit more than one program separated into different left and right channels for each program. As such, the addition of Boyden does not render obvious the wireless transmitter design as recited in claim 1.

*Adams and Murphy do not teach or suggest the embodiment of claim 1*

Adams and Murphy fail to teach or suggest the embodiment recited in amended claim 1. As admitted by the Examiner, Adams and Murphy fail to disclose the use of the left and right channels. Further, Adams relates to a system using a single entertainment source and is not concerned with interference between users.

*There is no motivation to combine Murphy and Boyden*

Also, in contrast to the Examiner's arguments, Murphy cannot be combined with Boyden to teach wireless transmission of multiple programs to more than one user. The system of Murphy is contemplated for use in vehicles such as aircraft (see Murphy Abstract), where wireless transmission is not practical due to the large number of occupants and high potential for interference. Further, entertainment systems in mass transit vehicles do not use wireless technology because the display devices are commonly found on the seat in front of a passenger and headphones are connectable

to a passenger's seat. See, e.g., Murphy Fig. 3. Lastly, wireless transmission is not a viable option in aircraft due to the danger of wireless signals interfering with pilot communications. Therefore, Murphy cannot be combined with Boyden to teach wireless transmission of multiple programs to more than one user. See In re Mills, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990); M.P.E.P. § 2143.01 ("The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.").

Burke and Hylton do not teach or suggest the embodiment of claim 1

Burke does not include any disclosure regarding the use of a single wireless transmitter for transmitting multiple audio programs separated into different left and right audio channels. Furthermore, Applicants respectfully submit that Burke is nonanalogous art due to the differences in structure and function between the Burke system and the embodiments of the present invention. M.P.E.P. § 2141.01(a).

Hylton fails to teach or suggest wireless transmission of audio signals among multiple users in a vehicle and contains no disclosure regarding the use of different frequencies for left and right channels of each respective program.

Accordingly, Applicants respectfully submit that the embodiment of the invention as defined in amended claim 1 is patentable over Adams in view of Murphy: (1) in further view of Boyden; (2) in further view of Boyden, as in claim 1, and further in view of Burke; and (3) in further view of Boyden, as in claim 1, and further in view of Hylton. For at least the reason that claims 2-10, 15-18, 20-24 and 27 depend from claim 1, claims 2-10, 15-18, 20-24 and 27 are also submitted to be patentably distinct over the cited references. As such, Applicants request that the Examiner withdraw the rejection of claims 1-10, 15-18, 20-24 and 27 under 35 U.S.C. §103(a).

**Claim 25 Is Patentable Over Adams In View  
Of Murphy And Further In View Of Boyden**

Claim 25 has been amended to recite a first wireless transmitter adapted to wirelessly transmit audio signals from a first external media source to a first wireless headphone set as a first left audio channel and a first right audio channel, and a second wireless transmitter adapted to wirelessly transmit the audio signals from a second external media source to a second wireless headphone set as a second left audio channel and a second right audio channel, wherein each of the first and second left audio and right audio channels have a different frequency.

As stated above, the Examiner maintains that Adams and Murphy "do not teach the display [and] the headphones with left and right audio channels", and that Boyden "teaches how to achieve an audio system that has left and right audio channels with different frequency signals in the audio system". January 28, 2004 Office Action at 3-4.

However, Applicants respectfully submit that Boyden does not disclose or suggest wireless transmission of more than one program from different media sources. Further, Boyden does not disclose the simultaneous use of first left and right channels to transmit audio signals from a first media source with second left and right channels to transmit audio signals from a second media source.

Boyden also does not disclose the use of one transmitter to wirelessly transmit audio signals from a media source to a headphone set as left and right channels. The embodiment as recited in claim 25 uses a first transmitter to transmit a first set of audio signals on left and right channels and a second wireless transmitter to transmit a second set of audio signals on left and right channels. In contrast, when transmitting a single program, Boyden requires one transmitter for a left channel and a second

transmitter for the right channel. Therefore, Boyden would require four transmitters instead of two to transmit the audio signals in accordance with the embodiment defined in claim 25. As such, Boyden teaches away from the more efficient design claimed in claim 25.

Lastly, as stated above, Adams relates to a system using a single entertainment source to one user and is not concerned with interference between users; and Murphy cannot be combined with Boyden to teach wireless transmission of multiple programs to more than one user. Due to the pitfalls associated with wireless transmission (e.g., danger and interference), the system of Murphy is not applicable to wireless transmission and cannot be combined with Boyden to teach wireless transmission to multiple users.

Accordingly, Applicants respectfully submit that the embodiment of the invention as defined in amended claim 25 is patentable over Adams in view of Murphy and in further view of Boyden. As such, Applicants request that the Examiner withdraw the rejection of claim 25 under 35 U.S.C. §103(a).

**Claim 26 Is Patentable Over Adams In View  
Of Murphy And Further In View Of Boyden**

Claim 26 has been amended to recite first and second wireless transmitters each including a multiplexer adapted to select one of at least two input sources whose audio signals are to be wirelessly transmitted to first or second wireless headphone sets.

Applicants respectfully submit that Adams, when taken alone or in combination with Murphy and/or Boyden, fails to teach or suggest wireless transmitters which include multiplexers for selecting an input source. The multiplexer feature added to claim 26 is similar to the subject matter of original claim 11, canceled without prejudice in

Applicants' November 8, 2002 response to the July 8, 2002 Office Action. Claim 11 was rejected in the July 8 Office Action as being anticipated by Adams under 35 U.S.C. § 102(e). See July 8, 2002 Office Action at 2. However, Applicants respectfully submit that a wireless transmitter including a multiplexer is neither taught nor suggested by Adams.

As stated above, Adams relates to a single entertainment source and is not concerned with selecting between different entertainment sources. Furthermore, there is no reference in Adams to a multiplexer used in conjunction with a wireless transmitter for selecting a media source whose signals are to be wirelessly transmitted.

Similarly, neither Murphy nor Boyden refers to a wireless transmitter including a multiplexer. As stated above, Murphy does not relate to wireless transmission and Boyden is concerned with a single source system with no need for a multiplexer.

Therefore, it is respectfully submitted that the cited references, when taken alone or in combination, do not disclose or suggest the use of a wireless transmitter including a multiplexer, as defined in newly amended claim 26. It is respectfully submitted that it would not have been obvious to modify Adams, in view of Murphy and further in view of Boyden, to develop the embodiment of the present invention recited in claim 26.

Accordingly, Applicants respectfully submit that the invention as defined in amended claim 26 is patentable over the cited references. As such, Applicants request that the Examiner withdraw the rejection of claim 26 under 35 U.S.C. §103(a).

**New Claim 29 Is Patentable Over The Cited References**

Claim 29 depends from claim 25 and similar to claim 26, recites first and second wireless transmitters each including a multiplexer adapted to select first or second

media sources whose audio signals are to be wirelessly transmitted to first or second wireless headphone sets. Claim 25 is submitted to be patentable over the cited references and for at least the reason that claim 29 depends claim 25, claim 29 is also submitted to be patentable over the cited references. Further, none of the cited references, when taken alone or in combination, disclose or suggest a wireless transmitter including a multiplexer, as recited in claim 29.

Accordingly, Applicants respectfully submit that claim 29 is in condition for allowance.

**The Examiner Has Failed To Provide Grounds For Rejecting Claim 19**

In the January 28, 2004 Office Action, the Examiner has not provided any explanation for the rejection of claim 19. The Examiner has failed to specify a rejection under any applicable section of the U.S. Code for this claim. Further, if the Examiner intended to reject claim 19 for want of novelty or for obviousness, the Examiner should have at least: (1) specified each rejected claim in connection with the applicable section on which the rejection was based (i.e., 102 or 103); (2) cited the best references at his command; and (3) explained the pertinence of each reference. See 37 C.F.R. § 1.104.

Therefore, Applicant respectfully requests that the finality of the January 28, 2004 Office Action be withdrawn due to the Examiner's failure to specify grounds for rejection of claim 19. Further, Applicant respectfully submits that claim 19 is in condition for allowance.

An early and favorable reconsideration is earnestly solicited. If the Examiner has any further questions or comments, it is suggested that the Examiner telephone Applicants' Attorney to reach a prompt disposition of this application.

Respectfully submitted,



Michael F. Morano  
Michael F. Morano  
Reg. No. 44,952  
Attorney for Applicants

F. CHAU & ASSOCIATES, LLC  
1900 Hempstead Turnpike  
Suite 501  
East Meadow, NY 11554  
(516) 357-0091